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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

Todd Heichel, Rudy Castro, Justin
Garmendia, Joshua Holgate and Randi
Pitts, Each Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

Tri City Transport, LLC, SWWOOP,
LLC, and Michael Butler,

Defendants.

NO. 2:22-cv-1513-PHX-SMM

**DECLARATION OF
RUDY CASTRO**

I, Rudy Castro, do hereby swear, affirm, and attest as follows, based upon my
personal knowledge of the matters contained herein:

1. My name is Rudy Castro, and I am over the age of 18 and duly qualified
to execute this declaration.

2. I am a resident and domiciliary of the State of Arizona.

1 3. I was employed by Tri City Transport, LLC, SWWOOP, LLC, and
2 Michael Butler (“Defendants”), from May, 2022 through June, 2022. Defendants
3 operated a non-emergency medical transport and medical supply delivery business.

4 4. I worked for Defendants as a delivery driver. My employment caused me
5 to drive to various places in Arizona to perform deliveries.

6 5. Michael Butler informed me that I would be paid \$1.25 per mile driven.

7 6. Instead, Defendants paid me nothing whatsoever for my work.

8 7. As a delivery driver, my primary duties were delivering medicine and
9 transporting people to appointments.

10 8. I was required to maintain and pay for an operable, safe, and legally
11 compliant automobile, while paying for related costs, gasoline, insurance, cell phone
12 costs, and other necessary delivery equipment.

13 9. I drove approximately 500 miles per week and worked 60 hours per week
14 while working for Defendants.

15 10. I was not reimbursed for any actual expenses and was not reimbursed at
16 the IRS standard business mileage rate for the miles I drove. I completed approximately
17 2 deliveries per hour while working with a typical delivery anywhere from 1 to 100
18 miles away.

19 11. During my time working for Defendants, I was expected to be available
20 for deliveries between the hours of 5 AM and 9 PM, Monday through Sunday of every
21 week.

1 12. I frequently worked hours over 40 in a week and did not receive sufficient
2 overtime premium because of the unreimbursed mileage expenses.

3 13. As a result of the unreimbursed mileage, automobile, and other job-related
4 expenses incurred, I was deprived of minimum and overtime wages guaranteed to me
5 by the FLSA.

6 14. Defendant owes me a total of \$32,089.50 which is shown by a calculation
7 of damages that is submitted as Exhibit 1. I am owed \$10,696.50 in back wages for
8 unpaid overtime premiums and minimum wages, and under the liquidated damages
9 provisions of the Fair Labor Standards Act, I am owed an equal amount in liquidated
10 damages. In addition, under Arizona Revised Statue § 23-355, I am entitled a further
11 equal amount as treble damages.

12 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**
13 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**
14 **THAT THE FOREGOING IS TRUE AND CORRECT.**

15 Executed this 14 day of August, 2024.

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17 _____
18 **RUDY CASTRO**
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Date	Total Estimated Miles	Total Hours	Total Pay	Minimum Wage	IRS Reimbursement Rate	Kickback	Minimum Wage Damages	OT Damages	Total Damages	Treble Damages
5/1/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
5/8/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
5/15/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
5/22/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
5/29/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
6/5/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
6/12/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
6/19/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
6/26/22	500	60	\$0.00	\$12.80	0.585	\$292.50	\$1,060.50	\$128.00	\$1,188.50	\$3,565.50
							\$9,544.50	\$1,152.00	\$10,696.50	\$32,089.50